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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,208	10/21/2003	Mary E. McDonald	MCD0003/US	2333
33072	7590	04/13/2006	EXAMINER	
KAGAN BINDER, PLLC SUITE 200, MAPLE ISLAND BUILDING 221 MAIN STREET NORTH STILLWATER, MN 55082			WEBB, GREGORY E	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C<sub>1</sub>

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,208	<b>Applicant(s)</b> MCDONALD, MARY E.	
	<b>Examiner</b> Gregory E. Webb	<b>Art Unit</b> 1751	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*[Signature]*  
4/10/06

## DETAILED ACTION

### *Response to Amendment*

The following is in response to the applicant's amendments and arguments submitted 1/3/06.

The applicant's arguments have been considered but are not found persuasive.

The applicant first argue with respect to Googin that the compositions of Googin are not suitable for cleaning hands. The applicant provides no reasoning beyond this statement. In fact Googin addresses this issue directly by stating that degreasing can be done as a vapor process or a hand process. The following paragraph demonstrates this understanding:

The removal of organic contaminants, usually in the form of oily or greasy films, from surfaces of metallic materials has been previously achieved by using solvents that are now considered to be hazardous. For example, a halogenated hydrocarbon such as trichloroethylene, 1,1,1-trichloroethane, tetrachloroethylene, or 1,1,2-trichloro-1,2,2-trifluoroethane was frequently used as a fire suppressor in combination with a relatively volatile aliphatic hydrocarbon solvent such as nonane for forming a degreasing solvent. Such chlorinated or chlorofluorocarbon solvents have been satisfactorily utilized for some time in both vapor and hand degreasing modes for cleaning surfaces of metallic materials, including radioactive materials. However, relatively recent investigations into the use of these chlorinated or chlorofluorocarbon solvents have shown that they are hazardous and toxic to the health of humans as well as hazardous to the environment such as by causing the unfavorable depletion of the ozone layer about the earth. As a result of such investigations, legislation, notably the Resource Conservation and Recovery Act (RCRA), has resulted in regulations which list such chlorinated and chlorofluorocarbon solvents as being hazardous so as to require the use of special handling, storage, and processing procedures for these solvents and solvent-contaminated waste from cleaning operations.

Googin further discusses the use of the hands in degreasing. Although this does not directly address the cleaning of hands it does demonstrate that there would be intimate contact with the hands.

The aliphatic hydrocarbon solvent component of the solvent composition as provided by any of the above described aliphatic hydrocarbons or any of the commercially available solvents noted above is nonpolar and effectively

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dissolves oily and greasy films on surfaces of hard metals so that the surfaces can be wiped clean of the oily and greasy residue by employing a paper or cloth wipe in much the same manner as previously accomplished with the hazardous chlorinated or chlorofluorocarbon solvents. The aliphatic hydrocarbon solvent component evaporates from the wiped metal surfaces at a relatively slow rate which substantially corresponds to the evaporation rate of kerosene. The use of an aliphatic hydrocarbon solvent with an evaporation rate slower than about that of kerosene would probably be undesirable from a production standpoint for the cleaning of metallic surfaces.

The applicant further argues that the broad teaching of Googin would render a large number of possible combinations of solvents. However, the applicant's claims as written also encompass a large number of possible combinations. Some of which clearly overlap those inventions of Googin.

Concerning the arguments with respect to the McDonald patent. The examiner agrees with these arguments and thus removes previous rejections over this reference.

The examiner disagree with the applicant's arguments with respect to the obviousness type double patenting rejection. The applicant's newly amended claims are obvious variations of the previous patented claims and thus requires a terminal disclaimer over that previous patent.

It is suggested that the applicant further specify the method by requiring specific chemical compounds and specific weight percent ranges for each of the individual components.

The following rejections are in addition the previously presented Googin rejection.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 14-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Klier (US5811383).

Concerning the polar organic diluent and the preferred diluent, Klier teaches the following:

The aliphatic alcohols can be primary, secondary or tertiary. Preferred aliphatic alcohols have 4 to 24 carbon atoms. Representative examples of more preferred aliphatic alcohols include octanol, 2-ethyl-hexanol, nonanol, dodecanol, undecanol, and decanol.(see col. 4, lines 20-30)

Concerning the preferred degreaser, Klier teaches the following:

Classes of organic solvents that can be used in the practice of this invention include aliphatic alcohols, aliphatic esters, aliphatic hydrocarbons, chlorinated aliphatic hydrocarbons, aromatic hydrocarbons, aliphatic diesters, aliphatic ketones, and aliphatic ethers. In addition, a solvent can contain two or more of these functional groups or can contain combinations of these functional groups. For example, alkylene glycol monoethers, alkylene glycol diethers and alkylene glycol ether acetates may be employed as solvents in the practice of this invention. As used herein, alkylene glycol ethers includes dialkylene glycol ethers. The alkylene glycol monoethers and alkylene glycol diethers are particularly useful to decrease viscosity of a microemulsion. Preferred classes of organic solvents are the aliphatic hydrocarbons, aromatic hydrocarbons,

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alkylene glycol monoethers, alkylene glycol diethers, and alkylene glycol ether acetates. More preferred classes of organic solvents are the aliphatic hydrocarbons, alkylene glycol monoethers, and alkylene glycol diethers.(see col. 4, lines 5-25)

Concerning the most preferred degreaser, Klier teaches the following:

Preferred alkylene glycol monoethers, dialkylene glycol monoethers, alkylene glycol diethers, and alkylene glycol ether acetates include propylene glycol diethers having 5 to 25 carbon atoms, propylene glycol ether acetates having 6 to 25 carbon atoms, propylene glycol monoethers having 7 to 25 carbon atoms, ethylene glycol ether acetates having 6 to 25 carbon atoms, ethylene glycol diethers having 6 to 25 carbon atoms, and ethylene glycol monoethers having 8 to 25 carbon atoms. Representative examples of more preferred solvents within this broad class include propylene glycol dimethyl ether, propylene glycol benzyl methyl ether, propylene glycol butyl methyl ether, propylene glycol dibutyl ether, dipropylene glycol dimethyl ether, dipropylene glycol butyl methyl ether, dipropylene glycol dibutyl ether; propylene glycol methyl ether acetate, dipropylene glycol methyl ether acetate, propylene glycol butyl ether acetate; propylene glycol monobutyl ether, propylene glycol monohexyl ether, dipropylene glycol monobutyl ether, dipropylene glycol monohexyl ether; ethylene glycol ethyl ether acetate, ethylene glycol butyl ether acetate, diethylene glycol butyl ether acetate; ethylene glycol diethyl

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ether, ethylene glycol dibutyl ether; ethylene glycol hexyl ether, ethylene glycol octyl ether, ethylene glycol phenyl ether, diethylene glycol hexyl ether, and diethylene glycol octyl ether. Most preferred alkylene glycol monoethers are propylene glycol monobutyl ether, dipropylene glycol monobutyl ether, propylene glycol monopropyl ether and dipropylene glycol monopropyl ether.(see col. 5, lines 1-30)

Concerning the degreaser groups and the preferred rubber solvent, Klier teaches the following:

Preferred aromatic hydrocarbons contain 6 to 24 carbon atoms.

Representative examples of more preferred aromatic hydrocarbons include toluene, naphthalene, biphenyl, ethyl benzene, xylene, alkyl benzenes such as dodecyl benzene, octyl benzene, and nonyl benzene.(see col. 4, lines 50-60)

Concerning the hand cleaner, Klier teaches the following:

The microemulsions and emulsions of this invention find utility as liquid cleaning compositions for use in metal cleaning, hard surface cleaning, circuit board defluxing, automotive cleaning, cold cleaning, dry cleaning, paint stripping and fabric cleaning. Further, the microemulsions and emulsions are particularly effective for removing grease and oily substances. In household and personal care, the compositions of this invention can be used in laundry pretreaters, laundry detergents, coatings, skin cleansers hair cleaning and conditioning formulations, and in aerosol, pump, spray or liquid pesticide formulations. A unique aspect of this invention is the advantage of forming high water containing

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compositions which are oil continuous.(see cols. 2-3).

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglass McGinty can be reached on (571)272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory E. Webb  
Primary Examiner  
Art Unit 1751

gew